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Agenda item 8

HUMAN RIGHTS QUESTIONS

Programme budget implications of draft resolutions I and III and draft decision 30 recommended to the Economic and Social Council for adoption by the Commission on Human Rights

The programme budget implications of draft resolution I, entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa", draft resolution III, entitled "Right to a fair trial", and draft decision 30, entitled "Question of human rights and states of emergency", which are recommended to the Economic and Social Council for adoption by the Commission on Human Rights, are reproduced on the following pages. They are taken from annex III to the report of the Subcommission on Prevention of Discrimination and Protection of Minorities on its forty-second session (E/CN.4/1991/2).

Draft resolution I

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa

A. Requests contained in the draft resolution

1. By operative paragraph 3 of the draft resolution to be adopted by the Economic and Social Council, the Special Rapporteur would be invited:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist regime in South Africa, giving such details regarding enterprises listed as the Special Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Subcommission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist regime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre Against Apartheid, with a view to consolidating mutual cooperation in updating his report.

B. Relationship of proposed requests to the programme of work

2. The activities referred to above would fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the objectives of and the strategy for which are described in paragraph 6.27 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 2.1 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Output: (xiii) Preparation of two updated reports for submission to the General Assembly, through the Commission on Human Rights and the Subcommission, containing a list of organizations, banks and transnational corporations giving assistance to the racist regime in South Africa, pursuant to General Assembly resolution 43/92.

C. Activities by which the requests would be implemented

4. It is envisaged that the Special Rapporteur will travel from Cairo to New York for a period of five working days in the early part of 1991 in order to establish direct contacts with the Centre on Transnational Corporations and the Centre Against Apartheid. Later in 1991 the Special Rapporteur will travel from Cairo to Geneva for five working days for consultations with the Centre for Human Rights. As requested in paragraph 7 of the draft resolution, the services of two economists to help him develop his analysis and documentation on specific cases of special importance would be required. It has been noted that in accordance with Economic and Social Council decision 1988/129, the mandate of the Special Rapporteur was renewed for a period of two years, covering 1990 and 1991.

D. Modifications required in the approved programme of work

5. No modification is required in the programme of work for 1990-1991, since this activity appears under programme element 2.1.

E. Additional requirements at full cost

6. The estimated cost of the above programme of work is itemized as follows:

	1991
	(United States dollars)
Travel and subsistence costs for the Special Rapporteur	5 500
Consultant economists to assist the Special Rapporteur with analytical work (for a period of 4 months)	20 000
	25 500

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $25,500 for 1991.

F. Potential for absorption

8. The travel and subsistence costs estimated at $5,500 were previously included in the programme budget implications approved by the Economic and Social Council in its decision 1990/34. With regard to consultancy costs estimated at $20,000, the Centre will endeavour to absorb these costs from within existing resources.

Draft resolution III

Right to a fair trial

A. Requests contained in the draft resolution

1. By operative paragraphs 2 and 3 of the draft resolution recommended for adoption by the Commission on Human Rights, it would be decided to entrust to Mr. Stanislav Chernichenko and Mr. William Treat the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", and the Secretary-General would be requested to provide the two Special Rapporteurs with all the assistance they may require.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard-setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 -	Research and studies
Intermediate output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteurs propose to follow in the carrying out of their mandate. This plan represents a tentative outline; the Special Rapporteurs may therefore require additional resources in the implementation of their mandate, although every effort will be made to keep within the parameters set out in this document. Reference is made, in this connection, to paragraphs 41, 49, 50, 51, 52, 55, 56, 146 and following of the preliminary report, where the Special Rapporteurs give further indication of their plan for the study. Also pertinent is the request in the draft resolution requiring submission of the preliminary report to the Commission on Human Rights at its forty-eighth session, in 1992. Programme budget implications given in the present document relate to the first phase of that plan, i.e. to

provision for the preparation of the preliminary report due for submission to the Subcommission at its forty-third session, in 1991:

(a) The description of the report as contained in the preliminary report (E/CN.4/Sub.2/1990/34) will necessitate extensive research, as well as the processing of information obtained in response to the questionnaire referred to in the report and the draft resolution. As stated in the draft resolution, this study is intended to develop into a model code of international standards containing basic guarantees necessary for a fair trial. This is anticipated to entail the provision of adequate computerized facilities, including access to specialized data banks, and would also require the engagement of a specialist in computerized research technology for a duration of approximately six months to assist the Centre for Human Rights in providing the research support required;

(b) Consultations by the Special Rapporteurs with the Centre for Human Rights at Geneva are estimated to require a period of five working days in 1991.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991
	(United States dollars)
One round trip to Geneva in 1991 of the two Special Rapporteurs for consultations with the Centre for Human Rights (5 working days)	
Travel and subsistence	6 400
Consultancy services	
6 work-months at P-3 level	41 600
	48 000

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $48,000 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

Draft decision 30

Question of human rights and states of emergency

A. Requests contained in the draft resolution

1. By operative paragraphs 7 and 8 of the draft resolution, the Subcommission would invite the Special Rapporteur, Mr. L. Despouy, to continue the work with which he has been entrusted, to present to the Subcommission, at its forty-third session, the next annual report and list updated on the basis of the information received, and to update his present report so that the Commission on Human Rights, at its forty-seventh session, will have before it the most recent and accurate information available. It would further request the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his work successfully, and in particular to respond in an effective way to the information submitted to him.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard-setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 -	Research and studies
Output: (vii)	Preparation of two reports for submission to the Subcommission by the Special Rapporteur on the question of human rights and states of emergency

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in the carrying out of his

mandate. This plan is based on the methodology followed thus far by the Special Rapporteur, as described in chapter I of his third report, which was originally prepared for the Subcommission at its forty-first session (E/CN.4/Sub.2/1989/30/Rev.1) and updated for the Commission on Human Rights at its forty-sixth session, in 1990, and for the present session of the Subcommission:

(a) The draft resolution invites the Special Rapporteur to continue his work and the Secretary-General is requested to give the Special Rapporteur all the assistance he may require to enable him to carry out his work successfully and in particular to respond in an effective manner to the information submitted to him. As stated in his report (chapter III, "Remarks and observations"), the Special Rapporteur has experienced problems in carrying out his mandate, given the volume of work involved and the anticipated considerable increase in the flow of information requiring analysis. The Special Rapporteur will require the organization of the voluminous information he receives through the application of computer technology. The Special Rapporteur will therefore require additional resources in the implementation of his mandate. It is estimated that to support the Special Rapporteur, specialized assistance will be required for approximately 10 months, in addition to secretarial assistance for the same period;

(b) In the light of the experience of the Special Rapporteur to date, as reflected in his report, it will also be required to provide him with specialized professional support in the form of an expert in international and constitutional law and practice;

(c) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva are estimated to require a period of five working days in 1991.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of this programme of work is itemized as follows:

	1991
	(United States dollars)
One round trip to Geneva in 1991 of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)	
Travel and subsistence	4 600
Specialized temporary assistance	
10 work-months at P-3 level	69 500
10 work-months at GS level	46 500
Consultancy services	
6 work-months at P-4 level	50 300
	170 900

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $170,900 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).